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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,325	10/14/2003	Gary F. Bartlett	A35984-070121.0572	7244
21003	7590	01/23/2006	EXAMINER	
BAKER & BOTTS			ROBERTSON, TIARA S	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

3635

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/686,325	<b>Applicant(s)</b> BARTLETT ET AL.	
	<b>Examiner</b> Tiara S. Robertson	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-13, 17-22, 24 and 26-29 is/are allowed.
- 6) ☒ Claim(s) 1-6, 14-16, 23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| <p>✓ 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>✓ 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date <u>3/31/04</u></p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. ____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: ____.</p> |
|---|--|

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4, 7, 8, 10, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 7 recites the limitation "the outer surface" in second lines of both claims. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the outer edge" and "the outer surface" in the first and second lines of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the outer edges" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitations "the outer surface" and "the same length" in the third and fourth lines of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 14-16, 23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No.2002/0124497 A1 to Fortin et al.

Regarding claims 1-6, Fortin et al. discloses an edge construction in Fig. 6 comprising a first straight member forming a permanent part of a door (326) and a second straight member removably attached to the first member (339). Where the first and second members are the same length and are coupled by a tongue and groove connection. The edge construction further comprising a removable cover over at least part of the outer surface of the second member (344) and an intumescent material extending the length of the second member between the second member and cover (338).

Regarding claims 14-16, Fortin et al. discloses in Figs. 1 and 6 a rectangular door having vertical and horizontal edges and an edge construction comprising a longitudinal groove formed in the outer surface of the vertical edge (336), a separate stile member of the same length of the vertical edge and having a longitudinal spline formed along on surface (339). The spline mating with said groove in the vertical edge to form a tongue and groove coupling between the vertical edge and separate stile member (337), and a cover member over the

extension surface of the stile member (344). The edge construction further comprising removable fastening means and a cover formed of resilient material and an extending strip of intumescent material between the cover and stile member (338).

Regarding claim 25, Fortin et al. discloses in Figs. 1 and 6 a construction as described in claim 14, where the door comprises a rectangular frame having a pair of spaced stiles (18 and 16 on fig. 1) and top and bottom rails (12 and 14 on fig. 1) surrounding a flat core, and one or more layer of sheet material laminated to each side of said rectangular frame (346 and 348 on fig. 6) and core combination and wherein said vertical edge comprises the outside edge of one of said stiles (see fig.6).

***Allowable Subject Matter***

5. Claims 7-13, 17-22, 24 and 26-29 are allowed.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiara S. Robertson whose telephone number is 571-272-2944. The examiner can normally be reached on Monday-Thursday, 7-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
TSR  
1/09/06

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600